

A M E N D E D

NO. 65411

APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 18 1999

Returned to applicant for correction _____

Corrected application filed SEP 14 1999

Map filed APR 26 1988 under 52036

The applicant Battle Mountain Gold Company, hereby makes application for permission to change the Place of Use of water heretofore appropriated under Permit #52037

1. The source of water is Underground
2. The amount of water to be changed 3.330 cfs
3. The water to be used for Mining, Milling and Domestic
4. The water heretofore permitted for Mining, Milling and Domestic
5. The water is to be diverted at the following point SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T30N, R43E MDB&M; or at a point from which the S $\frac{1}{4}$ Corner of said Section 9, bears S 48° 52' 47" E, 903.15 feet
6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T.30N., R.43E., M.D.M or at a point from which the S $\frac{1}{4}$ corner of said Sec. 9, bears S. 48° 52' 47" W., a distance of 903.15 feet.
7. Proposed place of use Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33, and 34 of Township 31 North, Range 43 East and Sections 2, 3, 4, 8, 9, 10, 16 and 21 of Township 30 North, Range 43 East MDB&M
8. Existing place of use Section 21, 22, 27, 28, 33 and 34, Township 31 North, Range 43 East; Section 9 and 10, Township 30 North, Range 43 East MDB&M
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works Existing Well
12. Estimated cost of works
13. Estimated time required to construct works Existing Well CM-1
14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks: The Point of Diversion was re-surveyed in August 1999 because the brass cap located for the original survey could not be located.

Chuck Zimmerman
By s/Chuck Zimmerman
3488 Goni Rd., Suite 142
Carson City, Nevada 89706

Compared gkl/cmf hf/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the waters of an underground source as heretofore granted under Permit 52037 is issued subject to the terms and conditions imposed in said Permit 52037 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water for consumptive purposes under Permits 11876, Certificate 3503; 36870, Certificate 12923; 36871, Certificate 13747; 36872, Certificate 13748; 49459, Certificate 14023; 49460, Certificate 14024; 49461, Certificate 14025; 52036, Certificate 14018; 54214, Certificate 13754; 65411; 65412; 65415 through 65427, inclusive, 65428-E; 65429-E, and Temporary Permits 66371-T, 66372-T, and 66373-T shall not exceed 12,905.0 acre-feet annually for mining and milling purposes.

A monthly report must be submitted to the State Engineer within 10 days from the end of each month. The report shall include measurement of the volume of water pumped from each well or diversion site. Reporting frequency may later be changed if authorized by the State Engineer.

The State Engineer retains the right to require at any time the permittee to cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted. The State Engineer retains the right to regulate pumping herein authorized to protect the public interest and existing rights.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the groundwater basin.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.33 cubic feet per second, but not to exceed 2,410.80 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

November 12, 2002

Proof of completion of work shall be filed before:

December 12, 2002

Water must be placed to beneficial use on or before:

November 12, 2005

Proof of the application of water to beneficial use shall be filed on or before:

December 12, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 30th day of June A.D. 2000


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

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